

**Bayer HealthCare
Pharmaceuticals**

RECEIVED
CENTRAL FAX CENTER

JUL 20 2007



FAX

To: **MAIL STOP PCT - US PATENT AND TRADEMARK OFFICE**

Fax: (571) 273-8300

Number of Pages: 9 (including this cover)

Date: 20 July 2007

From: William F. Gray

Fax: (203) 812-6459

Phone: (203) 812-2712

E-mail: william.gray.b@bayer.com

Re: **US Application Serial No.: 10/590,786**

Filing Date: 25 August 2006

Title: Heterocyclic Derivatives

Attorney Docket No.: BHC 041037

Art Unit: NA

Examiner: NA

Message:

Attached are the following documents in connection with prosecution of this application:

- ☒ Response to Notification of Missing Requirements Under 35 U.S.C. 371, including a petition for a one-month extension of time
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- ☒ Declaration of the inventors

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO 400 MORGAN LANE, WEST HAVEN CONNECTICUT 06516. THANK YOU.

RECEIVED
CENTRAL FAX CENTER
JUL 20 2007 PATENT

Attorney Docket No. BHC 041037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of
International Application No: PCT/EP2005/001487
International Filing Date: 02/15/2005
U.S. Application No.: 10/590,786
First Named Inventor: Heike Gielen-Hartwig
Title: Heterocyclic Derivatives

CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office (phone number 571-273-8300) on the date shown below.

Date: 20 July 2007


William F. Gray

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 04/20/2007. A copy of Form PCT/DO/EO/905 is enclosed.

DECLARATION OR OATH

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

COMPLETION FEES

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))
\$130.00.

07/24/2007 HKAYPAGH 00000074 133372 10590786

01 FC:1617 130.00 DA

07/24/2007 HKAYPAGH 00000074 133372 10590786

02 FC:1251 120.00 DA

RECEIVED
CENTRAL FAX CENTER

JUL 20 2007

EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for 1 month.

Fee \$120

If an additional extension of time is required, please consider this a petition therefor.

TOTAL FEE DUE

The total fee due is:

Completion fees	\$130.00
Extension fee (if any)	<u>\$120.00</u>
Total Fee Due	\$250.00

METHOD OF PAYMENT

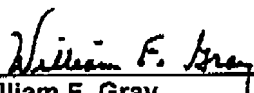
The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of \$250.00 for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

Date: 20 July 2007

Registration No.: 31018

Phone: (203) 812-2712



William F. Gray
Attorney for Applicant(s)
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175

RECEIVED
CENTRAL FAX CENTER

JUL 20 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,786	Heike Gielen-Hartwig	BHC 041037

INTERNATIONAL APPLICATION NO.

PCT/EP05/01487

I.A. FILING DATE	PRIORITY DATE
02/15/2005	02/26/2004

35969
JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN, CT 06516

CONFIRMATION NO. 1365

371 FORMALITIES LETTER



OC000000023466658

Date Mailed: 04/20/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/25/2006
- Copy of the International Search Report filed on 08/25/2006
- Information Disclosure Statements filed on 08/25/2006
- Request for Immediate Examination filed on 08/25/2006
- U.S. Basic National Fees filed on 08/25/2006
- Priority Documents filed on 08/25/2006
- Specification filed on 08/25/2006
- Claims filed on 08/25/2006
- Abstracts filed on 08/25/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$510 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

RECEIVED
CENTRAL FAX CENTER

JUL 20 2007

Total additional fees required for this application is \$640 for a Large Entity:

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 510
 - \$150 for 3 total claims over 20.
 - \$360 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,786	PCT/EP05/01487	BHC 041037

FORM PCT/DO/EO/905 (371 Formalities Notice)